

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CAMERON BELK, SR., #468008,

Plaintiff,

vs.

Case No. 19-cv-00499-JPG

RICHARD WATSON, TAMMY GRIME,

SHAN COLLINS, WEXFORD HEALTH

CARE SOURCES, INC., DENNIS P.

LARSON, ARAMARK

CORRECTIONAL SERVICES, LLC,

MARY ROBINSON-DAVIS, JANICE

McCARRON, DELANCEY MOORE,

MICHAEL BUJNAK, RHONDA

DUBOSE, DEBORAH HALE, and

MELODY MURRY,

Defendants.

MEMORANDUM AND ORDER

GILBERT, District Judge:

Plaintiff Cameron Belk, Sr., filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 13, 2019. Plaintiff's Third Amended Complaint (Doc. 178) survived screening pursuant to 28 U.S.C. § 1915A on June 23, 2020, and he was allowed to proceed with claims against Deborah Hale, among others. (*See* Docs. 175 and 176). Defendant Hale has not been served with this lawsuit to date.

On October 5, 2020, the Court entered the following order:

ORDER: This action is before the Court for the purpose of docket control. Defendant DEBORAH HALE has yet to be served. A request for waiver of service was returned unexecuted (Doc. 181) and summonses were returned unexecuted (Docs. 182 and 225). IT IS HEREBY ORDERED that Plaintiff SHALL provide a valid service address within 30 days of the date of this order (on or before NOVEMBER 4, 2020) so that process may be served upon Defendant Hale. Plaintiff is WARNED that his failure to comply with this Order will result in dismissal of Defendant Hale from this lawsuit.

(Doc. 233). Plaintiff filed a Response to the Order at Document 233 on November 2, 2020. (Doc. 235). There, Plaintiff explained that Defendant Hale left employment with Wexford Health Sources, Inc. sometime before issuance of Summons addressed to her in this case. (*Id.* at ¶ 1). Plaintiff made efforts to locate Defendant Hale but was unable to do so. (*Id.* at ¶ 2). Plaintiff seeks dismissal of this defendant without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. (*Id.* at ¶ 3). Rule 4(m) provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” *See* FED. R. CIV. P. 4(m). Plaintiff seeks dismissal of the action without prejudice against Deborah Hale pursuant to this rule, and the Court finds that doing so would not prejudice the parties.

Accordingly, this action is **DISMISSED without prejudice** against Defendant Deborah Hale pursuant to Rule 4(m). The Clerk of Court is **DIRECTED** to **TERMINATE** Deborah Hale as a party in this action and enter judgment accordingly at the close of this case.

IT IS SO ORDERED.

DATED: December 2, 2020

s/J. Phil Gilbert
J. PHIL GILBERT
United States District Judge